

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Jensen, Wayne A.
Hunter, Shirley Wu
Sverlow, Karen
Andrews, Janet S.

) Group Art Unit: 1641
)
) Examiner: Cheu, Changhwa J
)
) Customer No.: 26949
)

Serial No.: 10/550,563

Confirmation No.: 8347

Filed: September 27, 2005

Atty. File No.: DI-13-C6-PUS

For: "NOVEL ANTI-FELINE
ALBUMIN ANTIBODIES"

FEE AND OATH/DECLARATION
TRANSMITTAL

<p style="text-align: center;">CERTIFICATE OF ELECTRONIC TRANSMISSION</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING ELECTRONICALLY TRANSMITTED VIA USPTO EFS, ADDRESSED TO MAIL STOP ISSUE FEE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, THIS <u>2</u> DAY OF DECEMBER 2008.</p> <p style="text-align: center;">HESKA CORPORATION</p> <p>By: <u>Susan Gordon</u> Susan Gordon</p>

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

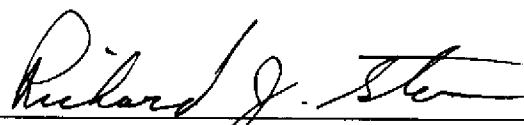
In response to the Notice of Allowance and Fee(s) Due, mailed from the U.S. Patent and Trademark Office on November 17, 2008, Applicants submit a new Declaration and Power of Attorney for Patent Application executed by the four inventors and PTOL-85, Part B - Fee(s) Transmittal.

Applicants also request that the title on the PTOL-85 be corrected to read as follows: "NOVEL ANTI-FELINE ALBUMIN ANTIBODIES". In support of this request, Applicants attach hereto copies from the Amendment and Response to Restriction Requirement, filed June 22, 2007, which amended the title (see the attached three pages); and the Examiner's acknowledgement of Applicants' response in his Nonfinal Office Action, dated September 4, 2007 (see the attached three pages).

Applicants claim small entity and authorize the Issue and Publication fees be charged to Deposit Account No. 081930. In the event of a deficiency or overpayment, please debit or credit Deposit Account No. 081930.

Respectfully submitted,

Dated: December 2, 2008

By: 
Richard J. Stern, Ph.D.
Registration No. 50,668
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Jensen, Wayne A.
Hunter, Shirley Wu
Sverlow, Karen
McDonald, Thomas A.
Weber, Annika
Andrews, Janet S.

) Group Art Unit: 1641

) Examiner: Cheu, Changhwa J

) Customer No.: 26949

AMENDMENT AND RESPONSE TO
RESTRICTION REQUIREMENT

Serial No.: 10/550,563

Confirmation No.: 8347

Filed: September 27, 2005

Atty. File No.: DI-13-C6-PUS

For: "NOVEL ANTI-FELINE ALBUMIN
ANTIBODIES" (as amended)

CERTIFICATE OF ELECTRONIC TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING ELECTRONICALLY TRANSMITTED VIA USPTO
EFS, ADDRESSED TO MAIL STOP AMENDMENT,
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, THIS 22ND DAY OF JUNE
2007.

HESKA CORPORATION

By: 

Susan Gordon

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Communication mailed from the United States Patent and Trademark Office (USPTO) on May 30, 2007, Applicants elect Group III for further prosecution. Applicants also elect monoclonal antibody H425 for further prosecution.

Please amend the Application as follows:

IN THE SPECIFICATION

Please replace the title on page 1, lines 1-2, of the specification with the following:

“NOVEL ANTI-FELINE ALBUMIN ANTIBODIES”

COPY

Acknowledgement Receipt

The USPTO has received your submission at **13:23:51** Eastern Time on **22-JUN-2007**.

No fees have been paid for this submission. Please remember to pay any required fees on time to prevent abandonment of your application.

eFiled Application Information

EFS ID	1900768
Application Number	10550563
Confirmation Number	8347
Title	Novel anti-feline albumin antibodies and methods of detecting early renal disease
First Named Inventor	Wayne A Jensen
Customer Number or Correspondence Address	26949
Filed By	Richard J. Stern/Susan Gordon
Attorney Docket Number	DI-13-C6-PUS
Filing Date	14-AUG-2006
Receipt Date	22-JUN-2007
Application Type	U.S. National Stage under 35 USC 371

COPY**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
OAR_to_Restriction_June2007.pdf	5		183813 bytes	◆ PASS
		Document Description	Page Start	Page End
		Response to Election / Restriction Filed	1	1
		Specification	2	2
		Claims	3	4
		Applicant Arguments/Remarks Made in an Amendment	5	5

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53 (b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of



UNITED STATES PATENT AND TRADEMARK OFFICE

RJS

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,563

08/14/2006

Wayne A Jensen

DI-13-C6-PUS

8347

26949 7590 09/04/2007
HESKA CORPORATION
LEGAL DEPARTMENT
3760 ROCKY MOUNTAIN AVE
LOVELAND, CO 80538

EXAMINER

CHEU, CHANGHWA J

ART UNIT

PAPER NUMBER

1641

MAIL DATE

DELIVERY MODE

09/04/2007

PAPER

DOCKETED
COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notified OA

*3mo response due 12-4-07
w/ exts to 3-4-08*

197 SEP 11 RCVD

Office Action Summary	Application No.		Applicant(s)	
	10/550,563		JENSEN ET AL.	
	Examiner		Art Unit	
	Jacob Cheu		1641	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

COPY

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32,33 and 37 is/are rejected.
- 7) ☒ Claim(s) 34-36 and 38-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/12/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1641

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group III, claims 32-37, in the reply filed on 6/22/2007 is acknowledged.

Claims 1-31 are cancelled.

Claims 38-40 are added.

Claims 32-40 are under examination.

COPY

Deposit

H425 antibody

With respect to claims 34-36, 38-40, it is apparent that the H425 antibody is required to practice the claimed invention. As a required element, it must be known and readily available to the public or obtainable by a repeatable method set forth in the specification. If it is not so obtainable or available, the enablement requirements of 35 USC 112, first paragraph, may be satisfied by a deposit of the cell line / hybridoma which produces this antibody. See 37 CFR 1.801-1.809.

In addition to the conditions under the Budapest Treaty, applicant is required to satisfy that all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent in U.S. patent applications.

Amendment of the specification to recite the date of deposit and the complete name and address of the depository is required. As an additional means for completing the record, applicant may submit a copy of the contract with the depository for deposit and maintenance of each deposit.

NOTE THE CURRENT ATCC DEPOSITORY ADDRESS